



Andrew J. Spano  
County Executive

Office of the County Attorney  
Charlene M. Indelicato  
County Attorney

May 15, 2008

**MEMO ENDORSED**

**VIA FACSIMILE:** (914) 390-4085  
Honorable Charles L. Brient  
United States District Court Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

*Application Granted  
So Ordered  
May 16, 2008  
Charles L. Brient U.S.D.J.*

**Re: Davis, et al. v. US Dept. of Justice, et al.**  
**7:07 Civ. 09897 (CLB)**  
**Application to Join in Motions to Dismiss**

Your Honor:

I am writing on behalf of Defendant Westchester County Board of Elections ("WCBOE") to respectfully request that it be permitted to join in the Motions to Dismiss filed by Defendants United Justice Department, Federal Bureau of Investigation, United States Attorney's Office, and Clinton Young in this matter for all of the reasons set forth therein.

The WCBOE filed and served an answer dated February 22, 2008, in lieu of a motion to dismiss in the good faith belief that the parties would agree to stipulate to discontinue the action as against it. The WCBOE unequivocally denies, as set forth in its Answer, any involvement in any of the matters alleged in the Amended Complaint other than the fact that it did conduct the election at issue.

Defendants United States and Clinton Young did consent to stipulate to discontinue this action as against the WCBOE prior to it filing its Answer. However, the WCBOE was advised at oral argument before the Court on May 9, 2008, that Plaintiffs would not consent even though they were advised by undersigned that, *inter alia*, the Board was under an obligation to and would certainly comply with any order issued by this Court concerning the conduct of the election at issue and any subsequent relief concerning same regardless of whether or not it was a party.

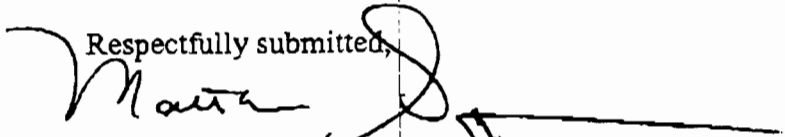
Michaelian Office Building  
148 Martine Avenue, 8th Floor  
White Plains, New York 10601

Telephone: (914)995-2880 Website: westchestergov.com

Based on the forgoing, the WCBOE respectfully requests that it be permitted to join in the Motions to Dismiss and that the Amended Complaint be dismissed as against it in its entirety with prejudice.

Should Your Honor have any questions concerning this matter, I may be reached at (914) 995-3588.

Respectfully submitted,

  
Matthew I. Gallagher (MG1546)  
Sr. Assistant County Attorney

cc: Stephen C. Jackson, Esq. (Via Facsimile: (212) 239-6900)  
Ross E. Morrison, Esq. (Via Facsimile: (212) 637-2429)  
William S. Greenawalt, Esq. (Via Facsimile: (914) 946-0134)